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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,729	02/06/2001	Glenn R. Toothman III	00-40292 CIP	6075

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EXAMINER

LI, ZHUO H

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,729

Applicant(s)

TOOTHMAN ET AL.

Examiner

Zhuo H Li

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Objections

2. Claims 6-7, 10-13, 15-16 and 21-28 are objected to because of the following informalities:

Regarding claim 6, page 20 lines 1, "the information resides on the memory device" should be --the instruction resides on the memory device-- based on the independent claim 1.

Regarding claims 7, 10, 16 and 21-23 are objected as the same reasons recited in claim 6.

Regarding claims 11-13, 15 and 24-28 are objected because of depending on claims 10 and 23 respectively, containing the same deficiency.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Colnot (US PAT. 5,613,159).

Regarding claim 1, Colnot discloses a system for providing instructions for equipment at an inaccessible location comprising a memory device (30, figure 1) affixed to the equipment (15, figure 1), the instructions (36, figure 1) residing on the memory device and a portable memory reading device (10, figure 1) separate from the memory device, that retrieves the instructions from the memory device and communicates the instructions to the user of said portable memory reading device (col. 6 lines 52-63).

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 1.

5. Claims 1-4, 6-7, 10-19, 21-31 and 33-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Want et al. (US PAT. 6,008,727 hereinafter Want).

Regarding claim 1, Want discloses a system (10, figure 1) for providing instructions for equipment (50, figure 1) at an inaccessible location (col. 6 line 37 through col. 7 line 2) comprising a memory device (32, 42, 44 and 46, figure 1) affixed to the equipment, the instructions residing on the memory device (col. 6 lines 59-65 and col. 1 lines 22-29), and a portable memory reading device (20, figure 1), separate from the memory device, that retrieves the instructions from the memory device and communicates the instructions to a user of said portable memory reading device (figure 1 and col. 2 lines 21-27 and 43-47).

Regarding claims 2-3, Want discloses the system wherein the memory device comprises a contact memory device and programmable read only memory device (col. 1 lines 22-29).

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Regarding claim 4, Want discloses the system wherein the memory device is permanently affixed to the equipment (col. 6 line 59 through col. 7 line 2).

Regarding claims 6-7, Want discloses the system wherein the information resides on the memory device in extensible markup language format (col. 7 lines 38-48 and col. 9 lines 22-44) and hypertext markup language format (col. 10 lines 19-35).

Regarding claim 10, Want discloses the system further comprising a database wherein the information on the memory device is replicated and wherein the memory device is uniquely associated with an identifying code (col. 9 lines 22- 49).

Regarding claim 11, Want discloses the system wherein the replicated information may be accessed upon receipt of the identifying code by the database (col. 9 lines 22- 53).

Regarding claims 12-13, Want discloses the system wherein the replicated information is accessed through an Internet and a telephone network (col. 13 lines 9-27 and col. 14 lines 18-44).

Regarding claim 14, Want discloses the database is communicatively connected to the memory device (col. 9 lines 22-44).

Regarding claim 15, Want discloses the system wherein the replicated information may be revised at the database, and wherein the revised replicated information may be communicated from the database to the memory device via the communicative connection (col. 8 lines 56-57 and col. 9 lines 1-21).

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 17-18, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

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Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claims 21-22, the limitations of the claims are rejected as the same reasons set forth in claims 6-7.

Regarding claim 23, the limitations of the claim are rejected as the same reasons set forth in claim 10.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claim 25-26, the limitations of the claims are rejected as the same reasons set forth in claims 12-13.

Regarding claim 27, the limitations of the claim are rejected as the same reasons set forth in claim 14.

Regarding claim 28, the limitations of the claim are rejected as the same reasons set forth in claim 15.

Regarding claim 29, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 30-31, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 33-34, the limitations of the claims are rejected as the same reasons set forth in claims 6-7.

Regarding claim 35, the limitations of the claim are rejected as the same reasons set forth in claim 10.

Regarding claim 36, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claims 37-38, the limitations of the claims are rejected as the same reasons set forth in claims 12-13.

Regarding claim 39, the limitations of the claim are rejected as the same reasons set forth in claim 14.

Regarding claim 40, the limitations of the claim are rejected as the same reasons set forth in claim 15.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 5, 8-9, 20, 32 and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al. (US PAT. 6,008,727 hereinafter Want).

Regarding claim 5, the difference between Want and the claims is the claims specifically recite the memory device comprises a weather resistant memory device. However, having a weather resistant memory device does not have a disclosed purpose nor is this weather memory disclosed to overcome any deficiencies in the prior art. As such, the memory device may have been of any resistant. In addition, since Want discloses the electronic tags (i.e., memory device) can be attached permanently or temporarily to various objects, such as paper document, walls, floors and furniture (col. 6 line 59 through col. 7 line 10). Accordingly, it would be an obvious matter of design choice to utilize the memory device of Want wherein the memory device comprising a weather resistant memory device, because it prevents the memory device resisting damage from ambient weather conditions.

Regarding claims 8-9, Want teaches the electronic tags (i.e., memory device) can be attached permanently or temporarily to various objects, such as paper document, walls, floors and furniture (col. 6 line 59 through col. 7 line 10) such that it would have been obvious to recognize that the equipment is either outdoor or indoor equipment.

Regarding claim 20, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 32, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 41, Want discloses a method for providing information related to an inaccessible location to the inaccessible location, wherein the inaccessible location is at least one

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selected from the group consisting of a dedication site, an equipment site (col. 6 lines 59-65) comprising storing the information on electronic tag (i.e., memory device) in a format that can be retrieved from the memory device and displayed to a user using a portable memory reading device (20, figure 1) separate from the memory device, upon request of the user on the portable memory reading device while in proximity to the memory device (col. 2 lines 43-47, col. 8 lines 20-37 and line 66 through col. 9 line 44), and affixing the memory device at the inaccessible location (col. 2 lines 29-31). The difference between Want and the claims is the claims specifically recite the inaccessible location group consisting of a cemetery site and a historically notable site. However, having the cemetery and historically notable site in the inaccessible location group do not have a disclosed purpose nor is these sites disclosed to overcome any deficiencies in the prior art. As such, the site may have been of any different site of the inaccessible location. In addition, Want teaches the electronic tag can be attached permanently or temporarily to various objects (col. 6 lines 59-61). Thus, it would have been an obvious matter of design choice to apply the method of Want in different inaccessible locations, such as a cemetery site or a historically notable site because it makes compatibility so that the method can be applied in different inaccessible locations.

Regarding claim 42, Want discloses a method comprising the additional step of replicating the information stored on the memory device in a database (col. 4 lines 17-20).

Regarding claim 43, Want discloses a method comprising the additional step of revising the replicated information at the database, and communicating the revised replicated information to the memory device over a communicable connection between the database and the memory device (col. 8 lines 56-57 and col. 9 lines 1-21).

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Regarding claim 44, Want discloses a method comprising the additional step of providing the replicated information over a communication medium upon receipt by the database of an identifying code, the identifying code being uniquely associated with the memory device having the information stored thereon (col. 9 lines 22- 49).

Regarding claims 45-48, the difference between Want and the claims is the claims specifically recite the information comprises memorial information, historical information, the information of reasons for the dedication and selected user's manual, operation instruction and warranties. However, having these information do not have a disclosed purpose nor is these information disclosed to overcome any deficiencies in the prior art. As such, the data in the memory device may contain any type of information based on the object which the memory device attached with. In addition, Want teaches the data (i.e., information) contains in the electronic tag (i.e., memory device) are suitable to any related object's association data (col. 7 lines 38-48, col. 9 lines 22-44 and col. 10 lines 17-35). Thus it would have been an obvious matter of design choice to utilize the information comprising memorial information on the cemetery site, historical information on the historically notable site, reasons for the dedication on the dedication site and at least one selected from the group consisting of a user's manual, operation instructions and warranties on the equipment site as Want applied in different applications.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Wilz, Sr. et al. (US PAT. 5,992,752) discloses internet-based system for enabling information-related transactions over the internet using JAVA-enabled internet terminals provided with bar code symbol readers for reading JAVA-applet encoded bar code symbols (abstract and col. 2 lines 46 through col. 6 line 18).

Simiatkowski (US PAT. 5,189,291) discloses bar code reader operable as remote scanner or with fixed terminal (abstract and col. 2 line 46 through col. 3 line 41).

Snaper (US PAT. 4,837,568) discloses remote access personnel identification and tracking system (abstract).

Davis et al. (US PAT. 4,721,849) discloses portable programmable optical code reader (abstract and col. 2 line 5 through col. 3 line 32).

Strongin et al. (US PAT. 6,219,769) discloses method and system for origin-sensitive memory control and access in data processing system (abstract).

Terada (US PAT. 5,635,698) discloses terminal device, data setting method and bar code creating method.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Or faxed to:

(703) 746-7239

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is 703-305-3846. The examiner can normally be reached on Tuesday to Friday from 9:30 a.m. to 7:00 p.m. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Zhuo H. Li / *MLH*

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MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100